

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**STEVEN C. HEATON,**

**Plaintiff,**

**V.**

**UNITED STATES POSTAL SERVICE,  
Postmaster General,**

**Defendant.**

**8:06CV2**

## SCHEDULING ORDER

This matter is before the court on plaintiff's jury demand. (Filing No. 25). The parties came before this court on January 5, 2007 for a Rule 16 planning conference. During this conference, plaintiff indicated that in a filing with this court he had requested a jury trial. A review of the record indicates that plaintiff requested a jury trial in the parties' Rule 26(f) report filed on September 13, 2006.

Plaintiff's jury demand was not technically timely under Fed. R. Civ. P. 38; furthermore, it is not clear that plaintiff is entitled to a jury trial in this case against the United States. In order to clarify the record on this point,

**IT IS ORDERED** that the parties shall advise the court by **January 26, 2007** regarding their positions on plaintiff's jury demand.

DATED this 5th day of January, 2007.

BY THE COURT:

s/ F.A. Gossett  
United States Magistrate Judge